

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARCON GREEN and
HAROLD McKINNEY,

Plaintiffs,

Case No. 09-11589

v.

HON. LAWRENCE ZATKOFF

CITY OF DETROIT, a municipal corpora-
tion, MICHAEL OSMAN, and MICHAEL
PARISH, jointly and severally,

Defendants.

ORDER

AT A SESSION of said Court, held in the
United States Courthouse, in the City of Port Huron,
State of Michigan, on the 22nd day of July, 2011

**PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE**

On the morning of July 22, 2011, the Court issued an Order Adjourning Order to Appear, wherein the Court granted Defendants' motion to adjourn a show cause hearing scheduled for July 26, 2011, to July 28, 2011. In early afternoon of July 22, 2011, counsel for Defendants communicated to the Court that the Detroit City Council had approved the \$50,000 settlement in this case that had been approved by all counsel, the Plaintiffs and the individual defendants on or about March 11, 2011. In other words, Detroit City Council finally approved a settlement that had been pending for approximately four months while in the hands of Detroit City Council, subject only to approval by the Detroit City Council.

As the Detroit City Council's approval of the settlement resolves this matter, the Court shall

not require the members of Detroit City Council to appear before the Court on July 28, 2011, to show cause why Detroit City Council had not taken action to approve or reject the settlement submitted to them on March 31, 2011. Accordingly, the Court ORDERS that neither the members of Detroit City Council, Plaintiffs, named Defendants or counsel for either party need appear before the Court on July 28, 2011, as set forth in the Order Adjourning Order to Appear (Docket #41). In order to be clear, however, all such persons are notified that the Order to Show Cause issued to the members of Detroit City Council is not being dismissed at this time.

As Detroit City Council took nearly four months to approve such settlement and Plaintiffs and Plaintiffs' counsel have been awaiting payment of the \$50,000 settlement amount for more than four months, however, the Court concludes that prompt payment of the \$50,000 settlement to Plaintiffs and Plaintiffs' counsel is not only warranted but also necessary to satisfy the interests of justice. Accordingly, the Court hereby ORDERS that Defendants pay Plaintiffs (and Plaintiffs' counsel, as appropriate) the aggregate sum of \$50,000 on or before August 2, 2011.

Upon receipt of such amount by Plaintiffs (and/or Plaintiffs' counsel), the parties shall prepare a stipulation and proposed order dismissing this cause of action, with prejudice, and submit such stipulation and proposed order of dismissal to the Court. The Court FURTHER ORDERS that the parties submit such stipulation and proposed order of dismissal, with prejudice, to the Court on or before August 9, 2011.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: July 22, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on July 22, 2011.

S/Marie E. Verlinde

Case Manager

(810) 984-3290